

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JAMES KUCZMASKI, ADAM)	
PIKE, RYAN PHILLIPS, JOSH)	
STONE, SUHANE LOWERY,)	
KEVIN BELL, and HAMP CRUM,)	
III, individually and on behalf of)	
other persons similarly situated,)	CIVIL ACTION NO.
)	
Plaintiffs,)	CV-2:06-cv-731
)	
v.)	
)	
U.S. FOODSERVICE)	
)	
Defendant.)	

MOTION TO EXTEND DEADLINES

Defendant U.S. Foodservice, Inc. moves this Court to extend all pending deadlines by ninety (90) days beyond the scheduled mediation date of July 3, 2007. In support of this motion, defendant states as follows:

1. Counsel for plaintiffs and defendant have spent the last several months unsuccessfully discussing settlement. In the hopes that the case could be resolved, the parties have delayed conducting discovery.¹ Currently, the discovery deadline is June 15, 2007.

¹ In addition, counsel for defendant recently left their law firm and have opened the new office of a national law firm. There has been some delay in having the physical and electronic files transferred from defense counsel's former firm.

2. The parties have recently agreed that mediation would be beneficial in resolving the case, and mediation is now scheduled for July 3, 2007. In lieu of asking the Court to extend discovery, the parties agreed to ask the Court to stay the case pending mediation in hope that such a request would be unnecessary; however, that motion was denied.

Therefore, in the event that this matter does not get resolved in mediation, defendant requests a 90-day extension from the mediation date for the completion of all pending deadlines.

Respectfully submitted,

s/ Tammy L. Baker

Tammy L. Baker, ASB-9522-B62T

BakerT@jacksonlewis.com

JACKSON LEWIS LLP

2001 Park Place North

Suite 650

Birmingham, Alabama 35203

Phone: (205) 332-3106

Fax: (205) 332-3131

CERTIFICATE OF SERVICE

This is to certify that on June 14, 2007, the undersigned electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following:

Gregory O. Wiggins, Esq.
Wiggins, Childs, Quinn & Pantazis, P.C.
The Kress Building
301 19th Street North
Birmingham, Alabama 35203

Tucker F. Burge, Esq.
Burge & Burge
850 Park Place Tower
2001 Park Place North
Birmingham, Alabama 35203

s/ Tammy L. Baker

Tammy L. Baker